

January 3, 2017



**Talbot County Planning Commission**  
**Final Decision Summary**

Wednesday, November 2, 2016 at 9:00 a.m.  
Bradley Meeting Room  
11 N. Washington Street, Easton, Maryland  
Wye Oak Room, Community Center  
10028 Ocean Gateway, Easton, Maryland

**Attendance:**

Commission Members:

William Boicourt, Chairman  
John N. Fischer, Jr., Vice Chairman  
Michael Sullivan  
Paul Spies  
Phillip "Chip" Councill (absent)

Staff:

Mary Kay Verdery, Planning Officer  
Elisa Deflaux, Environmental Planner  
Meagan Patrick, Flood Plain Coordinator  
Ray Clarke, County Engineer  
Mike Mertaugh, Assistant County Engineer  
Mike Pullen, County Attorney  
Carole Sellman, Recording Secretary

**1. Call to Order**—Commissioner Boicourt called the meeting to order at 9:00 a.m. Commissioner Boicourt explained that Commissioner Spies and Commissioner Councill were delayed. There were only four (4) members of the Commission present when the meeting was called to order. In this situation, a tie vote is considered a negative vote. In Applicants were informed of their right to postpone without penalty until next month. None of the applicants elected to postpone. Commissioner Boicourt further stated this is a recorded session. When you come forward to address the Commission, please sign in and speak into the recorder.

**2. Decision Summary Review**—October 5, 2016

The Commission reviewed the October 5, 2016 Draft Decision Summary.

**Commissioner Sullivan moved to approve the draft Planning Commission Decision Summary for October 5, 2016, as presented with no additions or corrections; Commissioner Fischer seconded the motion. The motion carried unanimously.**

Ms. Sellman commended Meagan Patrick for her help with the Minutes.

**3. Old Business**—None.

**4. New Business**

- b. Long Point Preserve, LLC, c/o Richard Jackson, #M1159, M1160, L1255—5252  
Long Point Farm Road, Oxford, MD 21654, (map 27, grid 22, parcel 142, zoned  
Western Rural Conservation), Sean Callahan, Agent.

Elisa Deflaux presented the staff report of the applicant, Long Point Preserve, LLC, c/o Ray Jackson and Richard Osborne. The applicant is proposing a five-lot small scale subdivision on Deed Parcel C, located to the west of Long Point Road. These lots, as proposed, range in size from 4.963 acres to 19.621 acres. Secondly, the applicant is proposing to revise the property boundary between the Long Point Deed Parcel and Deed Parcel A, as well as the boundary between Deed Parcel A and Deed Parcel C. The purpose of this revision is to create a Sewage Disposal Area (SDA) for the Long Point Parcel, and to provide riparian access to Deed Parcel A. Thirdly, the applicant proposes to subdivide one 6.038-acre lot from Deed Parcel A. No additional access points are being proposed onto Oxford Road, a state-maintained roadway and designated scenic byway. Lastly, the applicant is proposing to upgrade an existing private driveway to a Private Road (Winfield Farm Lane) to serve Proposed Lots 1–4.

The staff recommends final approval for the small scale subdivision, final minor subdivision and the final major revision plat.

Staff recommendations include:

1. Address the October 12, 2016 TAC comments from the Department of Planning & Zoning, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District and the Environmental Planner prior to preliminary plat submittal.
2. New residential lots shall not be created with a single principal residence or a single accessory dwelling unless each dwelling meets the current design standards of the *Talbot County Code*.

Sean Callahan of Lane Engineering, and Ryan Showalter of McAllister, DeTar, Showalter & Walker LLC, spoke on behalf of the applicant. Mr. Callahan stated when they started the project they discussed different aspects. Currently they are on track with the aspects discussed in preliminary. He stated all demolitions are complete, two wells are installed, but not connected yet. On Lot 1 they will be installing a new well, to serve the existing house. On Lot 2, one of the two houses has been removed, a new septic to serve the remaining house is to be installed. There is no house on Lot 3 and the entire buffer to be established when the new house is built. Mr. Callahan stated that there is no house on Lot 4 now with a 200 foot buffer to be established at time of building permit. He stated there was a house at the bend in Winfield Farm Road which has been removed to be farmland. On Lot 5 one house is to be converted to a studio, the kitchen will be removed, and a septic is being installed to serve both. The Text amendment to allow a 100 foot buffer on this lot is matriculating through the process. On Lot 6 one of the two houses has been removed and a new septic system will be installed,

99 a new well is already installed. He stated two houses were served by the well on  
100 Lot 7. Three houses on Lot 7 have been removed, now only one house remains on  
101 Lot 7. There is a letter dated from February in which Planning staff says we  
102 cannot make any nonconforming situations worse. All of the lots comply with the  
103 Zoning Code for their shape and geometry.  
104

105 Commissioner Fischer asked Mr. Callahan to review Lot 5. Mr. Callahan stated  
106 currently there are two houses on the lot, but cooking facilities will be removed  
107 from the other house and it will become a studio. The house closest to the cove  
108 will become the studio.  
109

110 Mr. Callahan further stated they were required to get demolition permits, and  
111 various other permits from the County to do certain things. He stated that they  
112 committed to install the new septic systems and do the demolitions prior to the  
113 final plat. These structures that are to be removed were not to show up on the final  
114 plat because they had been removed and that is the process they are going  
115 through.  
116

117 Commissioner Boicourt asked staff if they were comfortable with all of the  
118 changes that had occurred since preliminary. Ms. Verdery stated she had one  
119 clarification, staff had met with Mr. Callahan and Mr. Showalter regarding the  
120 nonconforming status. The deed parcel as it exists today was entitled to legal  
121 nonconforming status on some of these structures that were located there, the  
122 excessive amount of accessory structures in the RC/CA and the size of the  
123 structures. The deed parcel had a grandfathered right to the legal nonconforming  
124 status of those structures; but the Code says that you cannot create a  
125 nonconforming situation, or worsen an existing nonconforming situation. The  
126 creation of these parcel lines and ending up with multiple lots that have  
127 nonconformities is not consistent with the Code. The Code says when you create a  
128 lot, structures have to meet all of the design criteria, so there are additional  
129 structures that have to be removed in the buffer. Commissioner Boicourt stated he  
130 is nervous with so many issues standing out, but they have seen this a number of  
131 times, he trusts the Staff. Ms. Verdery stated they are comfortable with the design  
132 of the lots, but there are additional structures which need to be removed and they  
133 still have to go before the Critical Area Commissioner on the 7<sup>th</sup> of December on  
134 the parent parcel.  
135

136 Commissioner Fischer asked how they are to rule? Ms. Verdery stated the  
137 decision is on the number of lots and the design of the lots. The staff has to work  
138 out the removal and demolition of the existing dwellings. If something comes up  
139 that changes that they can always bring it back to the Commission.  
140

141 Mr. Showalter stated they anticipate further discussion, but it will not change the  
142 configuration of the lots or the access to the lots. They are comfortable with the  
143 Commission's approval of the plat and leaving the issue of resolving the removal  
144 and demolition of the existing dwellings with staff.

Commissioner Boicourt stated they would like to know what those issues are, they are comfortable as long as staff is comfortable. He stated this is the third time they have seen this and it is a good job moving forward toward the desired outcome.

Commissioner Fischer asked about the rather strange configuration of Lot 6, he asked if the Commission was comfortable with the configuration? Mr. Callahan stated in an earlier option there were about three more acres in Lot 6, but it was decided to give that as more tillable land to Lot 7. Right now there is a workable septic system on Lot 7, it is the only lot on the point with a workable septic system and SDA. If in the future a new main house is built and that septic system cannot be used a force main of inch and a half line will have to be built along the driveway.

Commissioner Fischer asked if Long Point Farm Lane is currently paved. Mr. Callahan stated it is gravel. Commissioner Fischer asked if the intent was to remain gravel. Mr. Callahan stated it would remain gravel, but it would meet private road standards and would have a private road maintenance agreement. Commissioner Spies asked what the pipe stem on the left of Lot 6 is. Mr. Callahan stated it is legal road frontage for Lot 6 on the private road, it is not intended to be built. There is a shared access easement on the plat for Lots 7 and 6 to use the existing driveway, but the configuration is to get fifty feet of frontage on a private road. Commissioner Fischer asked if they are still considering landscaping for Winfield Road. Mr. Callahan affirmed part of the project includes street trees for portions of Winfield Road, but they have the view shed from the highway which will be maintained.

Commissioner Boicourt asked for public comment and there were none.

**Commissioner Sullivan recommended approval of the small scale subdivision for Long Point Preserve, LLC c/o Ray Jackson and Richard Osborne, 5252 Long Point Farm Road, Oxford, MD 21654; with staff conditions being complied with. Commissioner Fischer seconded the motion. The motion carried unanimously.**

**Commissioner Sullivan recommended approval for the major revision plat for Long Point Preserve, LLC c/o Ray Jackson and Richard Osborne, 5252 Long Point Farm Road, Oxford, MD 21654; with staff conditions being complied with. Commissioner Fischer seconded the motion. The motion carried unanimously.**

**Commissioner Sullivan recommended the Planning Officer approve the minor single lot subdivision for Long Point Preserve, LLC c/o Ray Jackson and Richard Osborne, 5252 Long Point Farm Road, Oxford, MD 21654; with**

**staff conditions being complied with. Commissioner Spies seconded the motion. The motion carried unanimously.**

- a. B & D Sand and Gravel, LLC, #SP577—10755 Hiners Lane, Easton, MD 21601 (map 17, grid 12, parcel 4, zoned Agricultural Conservation), Elizabeth Fink, Fink, Whitten & Associates, LLC, Agent.

Ms. Deflaux presented the staff report for B & D Sand and Gravel, LLC for a Major Site Plan to continue existing mineral extraction activities from a 5.1 acre pit, and the expansion of mineral extraction activities into an adjacent 4.6 acre area. The Applicant is also seeking approval for a new access point/driveway onto Hiners Lane.

The mineral extraction activities are required to be screened and setback 200 feet from the property lines. Mineral Extraction is a conditional use that requires a Special Exception from the Board of Appeals. The Board has also required speed limit signs, fencing, and the filling in of any areas encroaching in the 200 foot setback in previous approvals for the special exceptions.

Staff recommendations include:

1. Address the October 12, 2016 TAC comments from the Department of Planning & Zoning, Department of Public Works, Environmental Health Department, and Talbot Soil Conservation District prior to TAC re-submission.
2. Receive a Special Exception from the Board of Appeals for the continuation of the existing mineral extraction activity and the additional area of mineral extraction.
3. The applicant shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Office of Permits and Inspections regarding the signage.
4. Comply and implement the previous special exception conditions.

Matt Browning and Donnie Duvall of B & D Sand and Gravel, and Elizabeth Fink of Fink, Whitten & Associates appeared before the Commission. Ms. Fink stated this will have to go back to the Board of Appeals for special exception. This property was purchased from the Norris Taylor Estate. The applicants have been working hard to make this a nice working gravel pit. There were a lot of items from special exceptions through the years that were not carried through and B & D has been working hard to handle a lot of these items since the TAC meeting.

Commissioner Boicourt clarified that B & D is coming before the Commission only for site plan approval at this time, the special exception hearing will be at a later date.

Commissioner Boicourt asked for public comment.

Commissioner Fischer asked how long Mr. Browning and Mr. Duvall have owned the property. They stated about a year. Commissioner Fischer then asked if it had been operated as a gravel pit by Mr. Taylor's estate. Mr. Duvall stated it was. Commissioner Fischer asked when those operations began. Ms. Deflaux stated in 1991. Ms. Fink confirmed it was 1991. Commissioner Sullivan asked if there is a house on that parcel? Ms. Fink stated there is a house. Mr. Duvall stated a new road is in, with a stone driveway.

Commissioner Boicourt asked for public comment and there was none.

Commissioner Boicourt stated that we need gravel pits. It looks like the expansion is a reasonable one, it is buffered on all sides. Given all of the conditions that were imposed, it is a good project. Commissioner Spies stated the entrance installed is nice.

**Commissioner Spies moved to grant approval of the major site plan for B & D Sand and Gravel, LLC, 10775 Hiners Lane, Easton, Maryland, with staff conditions being complied with; Commissioner Sullivan seconded the motion. The motion carried unanimously.**

**Commissioner Sullivan moved to approve the new access point/driveway onto Hiners Lane for B & D Sand and Gravel, LLC, 10775 Hiners Lane, Easton, Maryland, Commissioner Fischer seconded the motion. The motion carried unanimously.**

## **5. Staff Matters**

### **b. Claiborne Village Hall/parking waiver**

Ms. Deflaux stated the Claiborne Village Association submitted an Administrative Site Plan to convert the old church into a community and cultural facility like a community resiliency center. The proposed site plan shows a small paved strip in front of the property in the County right-of-way. They do not have any parking spaces or an ADA space on the site. They have asked the Planning Officer for a waiver of all four (4) of the parking spaces. Ms. Verdery stated Mike Mertaugh had been to the site.

Mr. Mertaugh stated he had not had an opportunity to run this through the Roads Superintendant, but there is an on-site area that appears to be a logical place for the ADA space. Ms. Verdery stated the original request is for a waiver of all parking spaces and for a community facility. She said she was not comfortable with no parking spaces on the site. After Mr. Mertaugh's visit, she believes there is an opportunity for the ADA space on site. She would like to get the Road Superintendant to provide her with a letter that he is agreeable with the two parallel parking spaces that encroach onto the road.

Commissioner Boicourt stated if this were Route 50 he would be worried, but this is a fairly slow road.

Mr. Kirke Harper wanted to clarify that he did not want to waive all four (4) parking spaces. He stated they wanted to substitute the pull off area in the front as the parking.

Ms. Verdery stated that would still be a waiver because it would be off-site parking and the site plan requires onsite parking.

Mr. Harper explained for large groups they ask people to identify their availability for parking and they put red flags at their driveway to identify parking locations. He stated they do not have many big events. They hosted the St. Michaels Christmas Open House and tour and for that they bused people in and they have golf carts to bring people in.

**The Commission members consented.**

Mr. Harper verified that the ADA space would have to be on the property. He stated that would cause him problems with his lot coverage. Ms. Verdery stated at this time they were looking for the Commission's general consensus. They will work out the lot coverage and work with the Critical Area Commission.

#### **4. New Business**

- c. A Resolution to amend the Talbot County Comprehensive Water and Sewer Plan to reclassify and remap certain parcels of land designated as "Tier III-C" in the 2016 Talbot County Comprehensive Plan comprising the subdivisions of Aveley, Doncaster, North Bend, the Rest, and Arcadia Shores, as well as certain subdivided "Tier III-C" areas along Royal Oak Road, Blueberry Acres Road, Deep Water Point Road, Long Haul Road, Yacht Club Road, and Rolles Range Road, from the current classification of "Unprogrammed" to "S-1" immediate priority status

Mr. Clarke presented Resolution 235, which will reclassify lots along Deep Water Point Road and Yacht Club Road off of Maryland Route 33 that were not classified for sewer service and reclassify them as S-1. He stated as part of the overall plan we need to reduce the total nitrogen loads by 37,050 pounds. By servicing the lots identified in Resolution 235 with sewer we will reduce the Nitrogen loan by about 5,000-6,000 pounds. There are property owners in the area who are unable to do any improvements to their house because they have no land area for new or expanded drain fields. There are some failing septic systems. Chesapeake Development Center approached Anne Morse six weeks ago. They have a failing Septic system. They are located at the entrance of Arcadia Shores. We are working closely on making Resolution 235 consistent with the tier maps.

328 This is the first phase. Future extensions will extend out to Bozman, Neavitt,  
329 Claiborne and possibly Whitman, McDaniel, Sherwood, Fairbank and Bar Neck,  
330 as well. Commissioner Fischer clarified it would be small groups of lots. Mr.  
331 Clarke stated it would be small groups of lots.

332  
333 Commissioner Boicourt stated it is important to note that this is consistent with  
334 the Comprehensive Plan and that discussion has taken place already.

335  
336 Commissioner Boicourt asked for public comment there was none.

337  
338 Commissioner Fischer asked if the Public Works Advisory Board had seen this.  
339 Mr. Clarke stated they have not, but they are aware of this strategy and they are  
340 very supportive of it.

341  
342 **Commissioner Sullivan moved to recommend the County Council approve**  
343 **Resolution 235, “A Resolution to amend the Talbot County Comprehensive**  
344 **Water and Sewer Plan to reclassify and remap certain parcels of land**  
345 **designated as “Tier III-C” in the 2016 Talbot County Comprehensive Plan**  
346 **comprising the subdivisions of Aveley, Doncaster, North Bend, the Rest, and**  
347 **Arcadia Shores, as well as certain subdivided “Tier III-C” areas along Royal**  
348 **Oak Road, Blueberry Acres Road, Deep Water Point Road, Long Haul Road,**  
349 **Yacht Club Road, and Rolles Range Road, from the current classification of**  
350 **“Unprogrammed” to “S-1” immediate priority status”; this Resolution is**  
351 **consistent with the County Comprehensive Plan. Commissioner Fischer**  
352 **seconded the motion. The motion carried unanimously.**

- 353  
354 d. A Resolution to amend the Talbot County Comprehensive Water and Sewer Plan  
355 to reclassify and remap a parcel of land located at 25145 St. Michaels Road, St.  
356 Michaels, Maryland 21663, identified as Tax Map 32, Parcel 36, consisting of  
357 3.73 acres of land, more or less, owned by Shannahan Artesian Well Co., Inc.,  
358 from the current classification of “Unprogrammed” to “S-1” immediate priority  
359 status

360  
361 Mr. Clarke presented Resolution 236, which is related to Mr. Shannahan having  
362 issues with his septic system. The County serves the hotel’s septic system, which  
363 is directly next to Mr. Shannahan’s. Livingston septic service has been pumping  
364 out Mr. Shanahan’s septic system on a regular basis.

365  
366 Commissioner Fischer asked about the other properties extending down from Mr.  
367 Shannahan’s property down to Back Creek. Mr. Clarke stated all but one lot is  
368 incorporated into the sewer service area.

369  
370 **Commissioner Fischer moved to recommend the County Council approve**  
371 **Resolution 236, “A Resolution to amend the Talbot County Comprehensive**  
372 **Water and Sewer Plan to reclassify and remap a parcel of land located at**  
373 **25145 St. Michaels Road, St. Michaels, Maryland 21663, identified as Tax**



374 Map 32, Parcel 36, consisting of 3.73 acres of land, more or less, owned by  
375 Shannahan Artesian Well Co., Inc., from the current classification of  
376 “Unprogrammed” to “S-1” immediate priority status”; this is consistent with  
377 the County Comprehensive Plan. Commissioner Sullivan seconded the  
378 motion. The motion carried unanimously.  
379

## 380 5. Discussions Items

## 381 6. Staff Matters

### 382 a. Presentation of Zoning Ordinance Update by CodeWright Planners, LLC

383 Ms. Verdery stated the County Council has allowed the Planning Office to move  
384 forward with an RFP and we have chosen CodeWright to help us update our  
385 Zoning Ordinance after the adoption of our 2016 Comprehensive Plan. We have  
386 Chad Meadows and Kara Isher-Witt of CodeWright Planners here.  
387

388 Mr. Meadows stated they will be working with the County for the next 12 to 13  
389 months. They will be working with staff and the Planning Commission on draft  
390 language.  
391

392 He stated CodeWright is a new firm that has been in business for about three  
393 years. The company is based out of Durham, North Carolina. Chad and Cara are  
394 the only employees. Chad is a planner with about 21 years of experience. He has  
395 been drafting code for about fourteen years. They do a lot of coastal work in  
396 communities that face similar issues: the interface of water and agriculture, how  
397 to accommodate tourism, and community character protection.  
398

399 Ms. Isher-Witt stated she is a relatively new planner. She has a Master’s in Public  
400 Administration and a Master’s in City and Regional Planning, and has worked in  
401 County Government and in the public sector for a non-profit. She has a mix of  
402 experience and background.  
403

404 Mr. Meadows stated they are joined by partners in the project, Lardner/Klein  
405 Landscape Architects (Elizabeth Lardner and Jim Klein). They will be assisting  
406 with testing. They are also joined by Council Baradel, Attorneys at Law (Fred  
407 Sussman). They want to be sure they are consistent with Maryland law and  
408 federal law.  
409

410 Ms. Isher-Witt presented the following:  
411

412 Five tasks:  
413

414 Task 1 - Project initiation – get to know one another and the County. In a couple  
415 of weeks a Project Webpage will be launched which will be linked to the County  
416 webpage.  
417  
418  
419

Task 2 - Code Assessment: Drafting Code Assessment; Executive Summary Brochure; Public Forum; Presentations to Council and Planning Commission; Completion by early February 2017 (15 weeks from project start).

Ms. Isher-Witt stated they understand transparency is very important. In the back of the Code Assessment will be a section by section review of changes. There will also be a comprehensive view of the guidance in the Comprehensive Plan and how that will be enacted in the Code. There will also be an executive summary brochure for those who do not want to page through a fifty page document.

Task 3 – Code Drafting – This will be presented in three Modules (groups of articles); Legal Review; Three Presentations to Planning Commission (one per module); Article Change Summaries; Graphics List; Completion by early June 2017.

Task 4 – Code Testing – Testing is where we see how the Code holds up. We choose four scenarios, four sites with interesting features. We see how they were built or approved under the current ordinance and then we imagine how it would look under the new ordinance. This is where Lardner/Klein comes in to help with drawings. We will come to town and meeting with Development Community and staff. We will also conduct a Public Forum. A Follow-up Memo (findings/suggested code revisions) will be produced after this process. Completion by early September 2017 (46 weeks from project start)

Task 5 – Adoption – Document Assembly; Insertion of Graphics; Adoption Hearings (3); Final Code Version; Completion in mid-October 2017±

Project schedule is approximately 52 weeks.

Mr. Meadows stated this is the overall plan. It is very effective and works well. But as everyone knows the first casualty of war is the plan. If we need to make adjustments either to the schedule or to the scope of work, we are able to do that. The Planning Commission is the advisory committee. He stated during the drafting stage, we hope you will avoid going line by line, or going into great detail. We have a very tight schedule. Your role as Planning Commission members, in review of the draft ordinance, will come in the hearing process. Your role is to spread the word about the project. Members of the community need to know what is going on.

Commissioner Fischer stated that the Comprehensive Plan did not contain any major adjustments, so he would be surprised if the Code contained any major adjustments. Mr. Meadows stated it anticipated to be a strategic update.

Project objectives: this is a strategic update, we are taking the current book and refining it and making it better, illustrating it. It will be more user friendly, easier

465 to follow on paper and online. More administrative approvals is something the  
466 County would like to explore.

467  
468 Mr. Meadows asked if there are issues, things that are important, special topics,  
469 critical issues that they need to be focusing on? For example, prohibiting strip  
470 commercial along state and County roads.

471  
472 Commissioner Fischer stated he was aware they had traveled through the County.  
473 This Commission and previous Commissions here worked hard to prohibit strip  
474 commercial as well as big box companies. Those are common opinions that our  
475 citizens share. Commissioner Boicourt expressed optimism. In going through the  
476 prior Ordinance update there was a lot of redundancy and they went through it  
477 line by line, but they felt there had to be a better way. He stated he is cautiously  
478 optimistic, with their experience, and with their goals in mind, this will be an  
479 efficient process and we can focus on the changes. There will be some issues with  
480 items like density and unincorporated villages, but he is excited about this  
481 process. Commissioner Spies is interested in handling things more  
482 administratively when they are cut and dry and then when there are questions and  
483 concerns then come to the Commission.

484  
485 Mr. Meadows stated they would like to codify the County's expectation and make  
486 that the path of least resistance. On the other hand, things come up and there  
487 needs to be a process. Ms. Verdery gave an example, under the State law in the  
488 Critical Area Commission, if you do an expansion in the hundred foot buffer you  
489 are required to go through the public process. There is a twenty percent limit on  
490 that expansion. We sometimes have people who are doing a second story addition  
491 over an existing footprint, and not creating any existing lot coverage. Those  
492 situations we would like to handle administratively instead of coming before the  
493 Planning Commission. Commissioner Boicourt jokingly stated they like to see  
494 Administrative Variances because they know they are going to go through them  
495 very quickly.

496  
497 Mr. Meadows stated they will be spending some time regarding density and  
498 villages. The notion of discouraging premature growth around designated growth  
499 areas sounds simple, but it is very complicated. It will be explored deeper. It is  
500 possible that the growth allocation system will be explored. There may be some  
501 possibility of changing the state perspective about IDA. Commissioner Sullivan  
502 stated we spend a lot of time talking about code, but there is always an exception  
503 that gives you flexibility. We spend a lot of time talking about that. Mr. Meadows  
504 stated they have some tools to calibrate the right amount of flexibility, not too  
505 much, not too little.

506  
507 Commissioner Fischer stated the major change facing the County is how to deal  
508 with the contemplated new sewer lines. We are trying to deal with TMDLs,  
509 failing systems, village development challenges, and trying to maintain our rural

character. The question is how to get sewer down and not expose our County to rampant development of our green space.

Mr. Meadows asked if there was anything the Commission felt could make the Code better to use. Commissioner Fischer stated more and better graphics can make codes easier to understand. Commissioner Boicourt added a streamlined structure would make the code better.

Mr. Meadows stated the goal is to have more and better definitions, more and better illustrations, an index, a glossary of abbreviations, a digital version that can be searched, a hyperlink so you can go directly to the section you are searching for, headers, footers and page numbers. He stated the goal is to have hyperlinks available in both the Microsoft Word and PDF versions. They have been in discussion with the County's online codifier.

Commissioner Fischer asked how the Commission will advise. Mr. Meadows stated there are a series of meetings built into their trips. He stated they can also conduct web meetings. All of their trips are multi-day trips and they can do multiple meetings. The County has been clear this is a twelve month project. If the County feels they are not getting their value they can add what they need.

Mr. Meadows stated there is an issue now with the sewer and the dimensional standards. There are more refined tools than dimensional standards. He asked if items such as lot width, lot setback, etc. are things that would be considered. Mr. Meadows said they do not have a position. If the County believes some simplification in dimensional standards makes sense, they will find a way to make that happen. If, on the other hand, the County is using dimensional standards as a way to protect those things they hold near and dear, like the County character, then by all means use them, unless there are better tools out there.

Ms. Verdery stated that is part of going through this process. We have dimensional standards for various lots. We have standards so we do not have nonconforming lots. So maybe we want all those houses closer to the road. Commissioner Spies asked if the staff would be able to quickly find out how many nonconforming structures were created if they made a change to the dimensional standards? Ms. Verdery stated if there was a change, in more cases than not they would go to less stringent so they would not be creating a nonconforming lot.

Mr. Meadows stated the Next Steps would be to hold Stakeholder Interviews. They will be creating a Project Webpage. They plan to start the Code Assessment in a couple of weeks and expect to be back before the Commission in February and have a public forum as well.

Ms. Verdery stated she greatly appreciated the services and working with CodeWright. They are here this afternoon and tomorrow. They will be meeting

556 with members of the County Council, the Planning Commission, the Board of  
557 Appeals, the Public Works Advisory Board, local attorneys, engineering firms,  
558 the Village Center Advisory Board, the Land Conservancy, the Chesapeake Bay  
559 Foundation, and local citizens. There are 45 minute interviews set out each day.  
560 We are working with E-Code so whatever we end up with will be compatible with  
561 the services we have today. We also are going to work with the IT Department to  
562 make sure we have a webpage to keep abreast with what stage we are in the  
563 process and have opportunities for public participation.  
564

565 **c. Solar array screening/vegetation**  
566

567 Ms. Verdery stated that on Tuesday October 25<sup>th</sup>, Scott Kane and Frank  
568 Cavanaugh did a great job in presenting the solar energy system legislation to the  
569 County Council. That will be scheduled for introduction on November 15<sup>th</sup>. We  
570 talked about a few potential amendments that will be considered for discussion.  
571

572 One was in the screening section, after we said the evergreen trees would be six  
573 feet in height, we added the line “The plant species shall be only those noted  
574 within the approved Talbot County plant species list for screening and  
575 landscaping, unless authorized to substitute on an approved planting plan.” Before  
576 this legislation becomes effective, we are going to create a list that has effective  
577 street trees, effective screening trees, effective landscaping stocks, whatever is  
578 best for the different scenarios. We wanted to have a little bit of flexibility, but we  
579 know and understand when we get to the list what will be appropriate. Ms.  
580 Verdery stated staff will bring that list before the Commission prior to its  
581 implementation. Some graphics will go along with it.  
582

583 Commissioner Fischer stated the legislation requires that the initial vegetation be  
584 six feet in height, personally it is not that important, because some species do not  
585 plant well. But some of the smaller vegetation might be a stronger ultimate  
586 development. Secondly, is there anything in the legislation about native and non-  
587 native, there may be some prejudices. His point of view is that non-native is very  
588 effective for screen trees and buffer trees and can survive, and his opinion is non-  
589 native is not a problem. Ms. Verdery said the Critical Area Commission does say  
590 you have to use native unless you have it on an approved list by the local, so if we  
591 put a non-native species on our list that we think is appropriate we can then use it.  
592 Commissioner Sullivan wanted to make sure that the renderings were realistic to  
593 what they would be in real life, how the species of tree would actually look.  
594

595 Ms. Verdery stated the second comment was in regard to removal of equipment  
596 from the site after decommissioning, not just taking it out of the ground and  
597 letting it lay there. So in No. (8)(a)[3] was added: “All components shall be  
598 completely removed from the subject parcel upon decommissioning.”  
599

600 **The Commission gave their consensus on these changes.**  
601

Commissioner Spies asked if someone were to buy a two hundred acre farm and the energy company buys the farm and sells the energy to a Maryland energy company, is it true they are tax exempt, and the County loses that tax base? He stated Southern Maryland farmers tell him that the solar company has gone away from renting and now is buying the farms and selling the energy to a Maryland Energy Company then that becomes a tax exempt property because it is production of a utility. Mr. Pullen said in our particular set up with our revenue cap what will happen is that that property will be excluded from the base. Our tax revenue will not decrease because we are limited to a revenue cap no greater than two percent. You will not see it in an individual bill. Commissioner Spies asked if a farmer rented it out his land say for \$800.00 an acre and the electricity was sold to a Maryland Energy Company that land would be deemed as industrial or as production. Mr. Pullen stated that once the land is converted from farm to solar the rate goes up.

**7. WorkSessions**

**8. Commission Matters**

**9. Adjournment**—Commissioner Boicourt adjourned the meeting at 11:03 a.m.